

Robert W. Esmond Steven R. Ludwic Lawrence B. Bugaisk Donald J. Featherstor Michael V. Messinger Patrick E. Garrett Heidi L. Kraus Edward W. Yee Albert L. Ferro* Peter A. Jackman Molly A. McCall Jeffrey S. Weaver Kendrick P. Patterson Vincent L. Capuano Albert J. Fasulo II* Eldora Ellison Floyd

Theodore A. Wood Elizabeth J. Haanes Bruce E. Chalker Joseph S. Ostroff Frank R. Cottingham Christine M. Lhulier Rae Lynn Prengaman Jane Shershenovich* George S. Bardmesse Daniel A. Klein*

LuAnne M. Yuricek*

Registered Patent Agents « Karen R. Markowicz Nancy J. Leith
Ann E. Summerfield
Helene C. Carlson
Gaby L. Longsworth
Matthew J. Dowd Aaron L. Schwart Angelique G. Uy Mary B. Tung Katrina Y. Pei Bryan L. Skelton Robert A. Schwartzn John J. Figueroa

C Rass III

*Admitted only in Maryland *Admitted only in Virginia •Practice Limited to Federal Agencies

August 22, 2003

WRITER'S DIRECT NUMBER: (202) 772-8544 **INTERNET ADDRESS:** MCIMBALA@SKGF.COM

Art Unit 1652

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

> Re: U.S. Utility Patent Application

> > Appl. No. 09/974,973; Filed: October 12, 2001

Feedback-Resistant Pyruvate Carboxylase Gene From

Corvnebacterium

Inventor: Paul D. Hanke

Our Ref: 1533.1230001/MAC/MBT

Sir:

Transmitted herewith for appropriate action are the following documents:

- 1. Form PTO-2038 Credit Card Payment Form for \$332.00 to cover: \$110.00 Extension Fee Under 37 C.F.R. § 1.136; \$222.00 Extra Claim Fee (37 C.F.R. 1.16);
- 2. Fee Transmittal Form (PTO/SB/17);
- 3. Petition For Extension of Time Under 37 C.F.R. § 1.136(a)(1);
- 4. Amendment and Reply Under 37 C.F.R. § 1.111, with Exhibits A-C;
- 5. 15 pages of Replacement Drawing Sheets;
- 6. 1 page of Annotated Drawing Sheet;
- 7. 18 pages of a paper copy of a Sequence Listing;

8. A computer readable copy of the Sequence Listing; and

9. One (1) return postcard. RECEIVED

AUG 2 9 2003

TECH CENTER 1600/2900

Sterne, Kessler, Goldstein & Fox PLLC. : 1100 New York Avenue, NW : Washington, DC 20005 : 202.371.2600 f 202.371.2540 : www.skqf.com

Commissioner for Patents August 22, 2003 Page 2

In accordance with 37 C.F.R. § 1.821(f), the paper copy of the Sequence Listing and the computer readable copy of the Sequence Listing submitted herewith are the same.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Michele A. Cimbala

Attorney for Applicant

miles A Centrale

Registration No. 33,851

MAC/MBT/lam Enclosures

::ODMA\MHODMA\SKGF_DC1;170752;1

Approved for use through 4/30/2003. OMB 0651-0032 at and Trademark Office: U.S. DEPARTMENT OF COMMERCE

FEE	TRANSMITTAL for FY 2003 res are subject to annual revision.
E	for FY 2003
Patent fe	es are subject to annual revision.

Cant claims small entity status. See 37 CFR 1.27

TOTAL AMO	UNT OF PAY	MENT	(\$) 332.00

ANR 5 5 5003

Complete if Known					
Application Number	09/974,973				
Filing Date	October 12, 2001				
First Named Inventor	Paul D. Hanke				
Examiner Name	Slobodyansky, E.				
Art Unit	1652				
Attorney Docket No.	1533.1230001/MAC/MBT				

METHOD OF PAYMENT (check all that apply)			FEE CALCULATION (continued)								
☐ Check Credit card ☐ Money Order Other** ☐ None "Charge any deficiencies or credit any overpayments in the fees or fee calculations of Parts 1, 2 and 3 below to Deposit Account No. 19-0036.		3. AI	A PARTY CONTRACTOR OF THE PART								
		Large	Entity	Sm	all Ent	tity		TEC C			
Deposit Account Deposit Account Number 19-0036		Fee Code	Fee Fe (\$) Co	e Fee de (\$)		Fee Description	AU	PECE!	Fee Paid		
Deposit Account Name: Sterne, Kessler, Goldstein & Fox P.L.L.C.		1051	130	2051	65	Surcharge - late film	ree or oath				
The Commissioner is authorized to: (check all that apply)		1502	50	2052	25	Surcharge-late provisi	onal til Agric	e or cover			
☐ Charge fee(s) indicated below ☐ Credit any over payments		1053	130	1053	130	Non-English specificat	ion	Yin			
☐ Charge any additional fee(s) during the pendency of this		1812	2,520	1812	2,520	Surcharge-late provisi sheet Non-English specificat For filing a request for	ex parte ree	examination	-		
application		1804	920*	1804	920*	Requesting publication	of SIR prio	r to Examine	1		
Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.			1805	1,840*	1805	1,840*		of SIR afte	r Examiner		
				1251	110	2251	55	Extension for reply wit	hin first mon	th	110.00
				1252	410	2252	205	Extension for reply wit	hin second r	month	
			FEE CALCULATION	1253	930	2253	465	Extension for reply wit	hin third moi	nth	
1. BASIC F	ILING F	EE		1254	1,450	2254	725	Extension for reply wit	hin fourth me	onth	
Large Entit	y Small	Entity		1255	1,970	2255	985	Extension for reply wit	hin fifth mon	th	
Fee Fee	Fee	Fee	Fee Description Fee Paid	1401	320	2401	160	Notice of Appeal			
Code (\$) 1001 750	2001	(a) 375	Utility filing fee	1402	320	2402	160	Filing a brief in suppor	t of an appe	al	
1002 330	2002	165	Design filing fee	1403	280	2403	140	Request for oral hearing	ng		
1003 520	2003	260	Plant filing fee	1451	1,510	1451	1,510	Petition to institute a p	ublic use pro	oceeding	
1004 750	2004	375	Reissue filing fee	1452	110	2452	55	Petition to revive - una	voidable		
1105 160	2005	80	Provisional filing fee	1453	1,300	2453	650	Petition to revive - unit	ntentional		
	,		SUBTOTAL (1) (\$) 0.00	1501	1,300	2501	650	Utility issue fee (or reis	ssue)		· · · · · · · · · · · · · · · · · · ·
2. EXTRA C	LAIM F	EES FO	R UTILITY AND REISSUE	1502	470	2502	235	Design issue fee			
Fee from Extra below Fee Paid		1503	630	2503	315	Plant issue fee					
Total Claims <u>35 - 32** = 3 X 18.00 = 54.00</u>		1460	130	1460	130	Petitions to the Comm	issioner		<u> </u>		
Indep. Claims 6 - 4** = 2 X 84.00 = 168.00		1807	50	1807	50	Processing fee under	37 CED 1 17	7/a)			
Multiple Dependent		1806	180	1806	180	Submission of Informa					
Large Entity Small Entity Fee Fee Fee Fee Fee Description Code (\$) Code (\$)		8021	40	8021	40	Recording each patent property (times number					
1202 18	2202	9	Claims in excess of 20	1809	750	2809	375	Filing a submission aft 1.129(a))			
1201 84	2201	42	Independent claims in excess of 3	1							
1203 280 1204 84	2203	140 42	Multiple dependent claim, if not paid **Reissue independent claims	1810	750	2810	375	For each additional inv (37 CFR 1.129(b))			
0-, 0-	2204	72	over original patent	1801	750	2801	375	Request for Continued	Examinatio	n (RCE)	
1205 18	2205	9	**Reissue claims in excess of 20	1802	900	1802	900	Request for expedited application	examination	of a design	
and over original patent		Other t	Other fee (specify)						L		
SUBTOTAL (2) (\$) 222.00 **or number previously paid, if greater; For Reissue, see above			* Reduced by Basic Filing Fee Paid SUBTOTAL (3) (\$) 110.00					10.00			
	-	, paid, 1	. g. 55.5, 1 07 10.0000, 500 00000								
SUBMITTED BY Complete (if applicable) Registration No. 23 954 Tolophore 202 374 2000											
Name (Print	(турө)		Michele A. Cimbala	(Attorney) 33,831 Telephone 2				202-371	-2600		
Signature Muchih A. Cinhi							Date	Aug. 2	2,2003		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, O.P. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.